

ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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2149-57 31ST STREET CORPORATION and
GEORGE ALIKAKOS,

Plaintiffs,

-against-

BIG M, INC. and MANDEE SHOP ASTORIA,
INC.,

Defendants.
-----X

Appearances:

For the Plaintiffs:

SANTO GOLINO, ESQ.
Law Offices of Santo Golino
46 Trinita Place
New York, New York 10006

For the Defendants:

MARTIN WILLIAM SCHERER, ESQ.
Siller Wilk LLP
675 Third Avenue
New York, New York 10017

BLOCK, Senior District Judge:

On August 22, 2006, the Court requested that the parties brief whether the Court has diversity jurisdiction in this case. On June 20, 2007, defendants submitted a Certificate of Merger, establishing that named defendant Mande Shop-Astoria, a New York corporation, was merged into Big M, Inc.-New York, another New York corporation, on July 31, 1986. *See* Docket No. 29, Ex. 2. On August 17, 2007, defendants submitted a second Certificate of Merger, certifying that, on December 30, 1986, Big M Inc.-New York was merged into Big M, Inc.-New Jersey ("Big M., Inc."), a New Jersey corporation. *See* Docket No. 32. As defendant Big M., Inc., the only surviving corporation, is a New Jersey corporation and plaintiffs are New York residents, the Court has diversity jurisdiction.

SO ORDERED.

s/Frederic Block

FREDERIC BLOCK/
Senior United States District Judge

Brooklyn, New York
August 17, 2007